



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0355

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

720 ILCS 550/5.2	from Ch. 56 1/2, par. 705.2
720 ILCS 570/407	from Ch. 56 1/2, par. 1407
720 ILCS 646/55	

Amends the Cannabis Control Act, Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act. Requires that enhanced penalties for certain drug violations committed in a school, on or near school property, or in a conveyance used to transport students to school for school-related activities, must be committed when persons under the age 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, on the real property, or on the public way, such as when after-school activities are occurring. Deletes provision stating that the time of day, time of year, and whether classes were in session are irrelevant for controlled substance violations committed in a school or on or within 1,000 feet of school property.

LRB099 04010 RLC 24028 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Cannabis Control Act is amended by changing
5 Section 5.2 as follows:

6 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

7 Sec. 5.2. Delivery of cannabis on school grounds.

8 (a) Any person who violates subsection (e) of Section 5 in
9 any school, on the real property comprising any school, or any
10 conveyance owned, leased or contracted by a school to transport
11 students to or from school or a school related activity, or on
12 any public way within 1,000 feet of the real property
13 comprising any school, or any conveyance owned, leased or
14 contracted by a school to transport students to or from school
15 or a school related activity, and at the time of the violation
16 persons under the age 18 are present, the offense is committed
17 during school hours, or the offense is committed at times when
18 persons under the age of 18 are reasonably expected to be
19 present in the school, in the conveyance, on the real property,
20 or on the public way, such as when after-school activities are
21 occurring, is guilty of a Class 1 felony, the fine for which
22 shall not exceed \$200,000;

23 (b) Any person who violates subsection (d) of Section 5 in

1 any school, on the real property comprising any school, or any
2 conveyance owned, leased or contracted by a school to transport
3 students to or from school or a school related activity, or on
4 any public way within 1,000 feet of the real property
5 comprising any school, or any conveyance owned, leased or
6 contracted by a school to transport students to or from school
7 or a school related activity, and at the time of the violation
8 persons under the age 18 are present, the offense is committed
9 during school hours, or the offense is committed at times when
10 persons under the age of 18 are reasonably expected to be
11 present in the school, in the conveyance, on the real property,
12 or on the public way, such as when after-school activities are
13 occurring, is guilty of a Class 2 felony, the fine for which
14 shall not exceed \$100,000;

15 (c) Any person who violates subsection (c) of Section 5 in
16 any school, on the real property comprising any school, or any
17 conveyance owned, leased or contracted by a school to transport
18 students to or from school or a school related activity, or on
19 any public way within 1,000 feet of the real property
20 comprising any school, or any conveyance owned, leased or
21 contracted by a school to transport students to or from school
22 or a school related activity, and at the time of the violation
23 persons under the age 18 are present, the offense is committed
24 during school hours, or the offense is committed at times when
25 persons under the age of 18 are reasonably expected to be
26 present in the school, in the conveyance, on the real property,

1 or on the public way, such as when after-school activities are
2 occurring, is guilty of a Class 3 felony, the fine for which
3 shall not exceed \$50,000;

4 (d) Any person who violates subsection (b) of Section 5 in
5 any school, on the real property comprising any school, or any
6 conveyance owned, leased or contracted by a school to transport
7 students to or from school or a school related activity, or on
8 any public way within 1,000 feet of the real property
9 comprising any school, or any conveyance owned, leased or
10 contracted by a school to transport students to or from school
11 or a school related activity, and at the time of the violation
12 persons under the age 18 are present, the offense is committed
13 during school hours, or the offense is committed at times when
14 persons under the age of 18 are reasonably expected to be
15 present in the school, in the conveyance, on the real property,
16 or on the public way, such as when after-school activities are
17 occurring, is guilty of a Class 4 felony, the fine for which
18 shall not exceed \$25,000;

19 (e) Any person who violates subsection (a) of Section 5 in
20 any school, on the real property comprising any school, or any
21 conveyance owned, leased or contracted by a school to transport
22 students to or from school or a school related activity, on any
23 public way within 1,000 feet of the real property comprising
24 any school, or any conveyance owned, leased or contracted by a
25 school to transport students to or from school or a school
26 related activity, and at the time of the violation persons

1 under the age 18 are present, the offense is committed during
2 school hours, or the offense is committed at times when persons
3 under the age of 18 are reasonably expected to be present in
4 the school, in the conveyance, on the real property, or on the
5 public way, such as when after-school activities are occurring,
6 is guilty of a Class A misdemeanor.

7 (Source: P.A. 87-544.)

8 Section 10. The Illinois Controlled Substances Act is
9 amended by changing Section 407 as follows:

10 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

11 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
12 violates any subsection of Section 401 or subsection (b) of
13 Section 404 by delivering a controlled, counterfeit or
14 look-alike substance to a person under 18 years of age may be
15 sentenced to imprisonment for a term up to twice the maximum
16 term and fined an amount up to twice that amount otherwise
17 authorized by the pertinent subsection of Section 401 and
18 Subsection (b) of Section 404.

19 (B) (Blank).

20 (2) Except as provided in paragraph (3) of this subsection,
21 any person who violates:

22 (A) subsection (c) of Section 401 by delivering or
23 possessing with intent to deliver a controlled,
24 counterfeit, or look-alike substance in or on, or within

1 1,000 feet of, a truck stop or safety rest area, is guilty
2 of a Class 1 felony, the fine for which shall not exceed
3 \$250,000;

4 (B) subsection (d) of Section 401 by delivering or
5 possessing with intent to deliver a controlled,
6 counterfeit, or look-alike substance in or on, or within
7 1,000 feet of, a truck stop or safety rest area, is guilty
8 of a Class 2 felony, the fine for which shall not exceed
9 \$200,000;

10 (C) subsection (e) of Section 401 or subsection (b) of
11 Section 404 by delivering or possessing with intent to
12 deliver a controlled, counterfeit, or look-alike substance
13 in or on, or within 1,000 feet of, a truck stop or safety
14 rest area, is guilty of a Class 3 felony, the fine for
15 which shall not exceed \$150,000;

16 (D) subsection (f) of Section 401 by delivering or
17 possessing with intent to deliver a controlled,
18 counterfeit, or look-alike substance in or on, or within
19 1,000 feet of, a truck stop or safety rest area, is guilty
20 of a Class 3 felony, the fine for which shall not exceed
21 \$125,000;

22 (E) subsection (g) of Section 401 by delivering or
23 possessing with intent to deliver a controlled,
24 counterfeit, or look-alike substance in or on, or within
25 1,000 feet of, a truck stop or safety rest area, is guilty
26 of a Class 3 felony, the fine for which shall not exceed

1 \$100,000;

2 (F) subsection (h) of Section 401 by delivering or
3 possessing with intent to deliver a controlled,
4 counterfeit, or look-alike substance in or on, or within
5 1,000 feet of, a truck stop or safety rest area, is guilty
6 of a Class 3 felony, the fine for which shall not exceed
7 \$75,000;

8 (3) Any person who violates paragraph (2) of this
9 subsection (a) by delivering or possessing with intent to
10 deliver a controlled, counterfeit, or look-alike substance in
11 or on, or within 1,000 feet of a truck stop or a safety rest
12 area, following a prior conviction or convictions of paragraph
13 (2) of this subsection (a) may be sentenced to a term of
14 imprisonment up to 2 times the maximum term and fined an amount
15 up to 2 times the amount otherwise authorized by Section 401.

16 (4) For the purposes of this subsection (a):

17 (A) "Safety rest area" means a roadside facility
18 removed from the roadway with parking and facilities
19 designed for motorists' rest, comfort, and information
20 needs; and

21 (B) "Truck stop" means any facility (and its parking
22 areas) used to provide fuel or service, or both, to any
23 commercial motor vehicle as defined in Section 18b-101 of
24 the Illinois Vehicle Code.

25 (b) Any person who violates:

26 (1) subsection (c) of Section 401 is guilty of a Class

1 X felony the fine for which shall not exceed \$500,000 if he
2 or she commits the violation:

3 (A) in any school, or any conveyance owned, leased
4 or contracted by a school to transport students to or
5 from school or a school related activity, or on the
6 real property comprising any school, or within 1,000
7 feet of the real property comprising any school, and at
8 the time of the violation persons under the age 18 are
9 present, the offense is committed during school hours,
10 or the offense is committed at times when persons under
11 the age of 18 are reasonably expected to be present in
12 the school, in the conveyance, or on the real property,
13 such as when after-school activities are occurring,

14 (B) on residential property owned, operated or
15 managed by a public housing agency or leased by a
16 public housing agency as part of a scattered site or
17 mixed-income development, or public park, on the real
18 property comprising any ~~school or~~ residential property
19 owned, operated or managed by a public housing agency
20 or leased by a public housing agency as part of a
21 scattered site or mixed-income development, or public
22 park or within 1,000 feet of the real property
23 comprising any ~~school or~~ residential property owned,
24 operated or managed by a public housing agency or
25 leased by a public housing agency as part of a
26 scattered site or mixed-income development, or public

1 park,

2 (C) on the real property comprising any church,
3 synagogue, or other building, structure, or place used
4 primarily for religious worship, or within 1,000 feet
5 of the real property comprising any church, synagogue,
6 or other building, structure, or place used primarily
7 for religious worship, or

8 (D) on the real property comprising any of the
9 following places, buildings, or structures used
10 primarily for housing or providing space for
11 activities for senior citizens: nursing homes,
12 assisted-living centers, senior citizen housing
13 complexes, or senior centers oriented toward daytime
14 activities, or within 1,000 feet of the real property
15 comprising any of the following places, buildings, or
16 structures used primarily for housing or providing
17 space for activities for senior citizens: nursing
18 homes, assisted-living centers, senior citizen housing
19 complexes, or senior centers oriented toward daytime
20 activities ~~is guilty of a Class X felony, the fine for~~
21 ~~which shall not exceed \$500,000;~~

22 (2) subsection (d) of Section 401 is guilty of a Class
23 1 felony the fine for which shall not exceed \$250,000 if he
24 or she commits the violation:

25 (A) in any school, or any conveyance owned, leased
26 or contracted by a school to transport students to or

1 from school or a school related activity, or on the
2 real property comprising any school, or within 1,000
3 feet of the real property comprising any school, and at
4 the time of the violation persons under the age 18 are
5 present, the offense is committed during school hours,
6 or the offense is committed at times when persons under
7 the age of 18 are reasonably expected to be present in
8 the school, in the conveyance, or on the real property,
9 such as when after-school activities are occurring,

10 (B) on residential property owned, operated or
11 managed by a public housing agency or leased by a
12 public housing agency as part of a scattered site or
13 mixed-income development, or public park, on the real
14 property comprising any ~~school or~~ residential property
15 owned, operated or managed by a public housing agency
16 or leased by a public housing agency as part of a
17 scattered site or mixed-income development, or public
18 park or within 1,000 feet of the real property
19 comprising any ~~school or~~ residential property owned,
20 operated or managed by a public housing agency or
21 leased by a public housing agency as part of a
22 scattered site or mixed-income development, or public
23 park,

24 (C) on the real property comprising any church,
25 synagogue, or other building, structure, or place used
26 primarily for religious worship, or within 1,000 feet

1 of the real property comprising any church, synagogue,
2 or other building, structure, or place used primarily
3 for religious worship, or

4 (D) on the real property comprising any of the
5 following places, buildings, or structures used
6 primarily for housing or providing space for
7 activities for senior citizens: nursing homes,
8 assisted-living centers, senior citizen housing
9 complexes, or senior centers oriented toward daytime
10 activities, or within 1,000 feet of the real property
11 comprising any of the following places, buildings, or
12 structures used primarily for housing or providing
13 space for activities for senior citizens: nursing
14 homes, assisted-living centers, senior citizen housing
15 complexes, or senior centers oriented toward daytime
16 activities ~~is guilty of a Class 1 felony, the fine for~~
17 ~~which shall not exceed \$250,000;~~

18 (3) subsection (e) of Section 401 or Subsection (b) of
19 Section 404 is guilty of a Class 2 felony the fine for
20 which shall not exceed \$200,000 if he or she commits the
21 violation:

22 (A) in any school, or any conveyance owned, leased
23 or contracted by a school to transport students to or
24 from school or a school related activity, or on the
25 real property comprising any school, or within 1,000
26 feet of the real property comprising any school, and at

1 the time of the violation persons under the age 18 are
2 present, the offense is committed during school hours,
3 or the offense is committed at times when persons under
4 the age of 18 are reasonably expected to be present in
5 the school, in the conveyance, or on the real property,
6 such as when after-school activities are occurring,

7 (B) on residential property owned, operated or
8 managed by a public housing agency or leased by a
9 public housing agency as part of a scattered site or
10 mixed-income development, or public park, on the real
11 property comprising any ~~school or~~ residential property
12 owned, operated or managed by a public housing agency
13 or leased by a public housing agency as part of a
14 scattered site or mixed-income development, or public
15 park or within 1,000 feet of the real property
16 comprising any ~~school or~~ residential property owned,
17 operated or managed by a public housing agency or
18 leased by a public housing agency as part of a
19 scattered site or mixed-income development, or public
20 park,

21 (C) on the real property comprising any church,
22 synagogue, or other building, structure, or place used
23 primarily for religious worship, or within 1,000 feet
24 of the real property comprising any church, synagogue,
25 or other building, structure, or place used primarily
26 for religious worship, or

1 (D) on the real property comprising any of the
2 following places, buildings, or structures used
3 primarily for housing or providing space for
4 activities for senior citizens: nursing homes,
5 assisted-living centers, senior citizen housing
6 complexes, or senior centers oriented toward daytime
7 activities, or within 1,000 feet of the real property
8 comprising any of the following places, buildings, or
9 structures used primarily for housing or providing
10 space for activities for senior citizens: nursing
11 homes, assisted-living centers, senior citizen housing
12 complexes, or senior centers oriented toward daytime
13 activities ~~is guilty of a Class 2 felony, the fine for~~
14 ~~which shall not exceed \$200,000;~~

15 (4) subsection (f) of Section 401 is guilty of a Class
16 2 felony the fine for which shall not exceed \$150,000 if he
17 or she commits the violation:

18 (A) in any school, or any conveyance owned, leased
19 or contracted by a school to transport students to or
20 from school or a school related activity, or on the
21 real property comprising any school, or within 1,000
22 feet of the real property comprising any school, and at
23 the time of the violation persons under the age 18 are
24 present, the offense is committed during school hours,
25 or the offense is committed at times when persons under
26 the age of 18 are reasonably expected to be present in

1 the school, in the conveyance, or on the real property,
2 such as when after-school activities are occurring,

3 (B) on residential property owned, operated or
4 managed by a public housing agency or leased by a
5 public housing agency as part of a scattered site or
6 mixed-income development, or public park, on the real
7 property comprising any ~~school or~~ residential property
8 owned, operated or managed by a public housing agency
9 or leased by a public housing agency as part of a
10 scattered site or mixed-income development, or public
11 park or within 1,000 feet of the real property
12 comprising any ~~school or~~ residential property owned,
13 operated or managed by a public housing agency or
14 leased by a public housing agency as part of a
15 scattered site or mixed-income development, or public
16 park,

17 (C) on the real property comprising any church,
18 synagogue, or other building, structure, or place used
19 primarily for religious worship, or within 1,000 feet
20 of the real property comprising any church, synagogue,
21 or other building, structure, or place used primarily
22 for religious worship, or

23 (D) on the real property comprising any of the
24 following places, buildings, or structures used
25 primarily for housing or providing space for
26 activities for senior citizens: nursing homes,

1 assisted-living centers, senior citizen housing
2 complexes, or senior centers oriented toward daytime
3 activities, or within 1,000 feet of the real property
4 comprising any of the following places, buildings, or
5 structures used primarily for housing or providing
6 space for activities for senior citizens: nursing
7 homes, assisted-living centers, senior citizen housing
8 complexes, or senior centers oriented toward daytime
9 activities ~~is guilty of a Class 2 felony, the fine for~~
10 ~~which shall not exceed \$150,000;~~

11 (5) subsection (g) of Section 401 is guilty of a Class
12 2 felony the fine for which shall not exceed \$125,000 if he
13 or she commits the violation:

14 (A) in any school, or any conveyance owned, leased
15 or contracted by a school to transport students to or
16 from school or a school related activity, or on the
17 real property comprising any school, or within 1,000
18 feet of the real property comprising any school, and at
19 the time of the violation persons under the age 18 are
20 present, the offense is committed during school hours,
21 or the offense is committed at times when persons under
22 the age of 18 are reasonably expected to be present in
23 the school, in the conveyance, or on the real property,
24 such as when after-school activities are occurring,

25 (B) on residential property owned, operated or
26 managed by a public housing agency or leased by a

1 public housing agency as part of a scattered site or
2 mixed-income development, or public park, on the real
3 property comprising any ~~school or~~ residential property
4 owned, operated or managed by a public housing agency
5 or leased by a public housing agency as part of a
6 scattered site or mixed-income development, or public
7 park or within 1,000 feet of the real property
8 comprising any ~~school or~~ residential property owned,
9 operated or managed by a public housing agency or
10 leased by a public housing agency as part of a
11 scattered site or mixed-income development, or public
12 park,

13 (C) on the real property comprising any church,
14 synagogue, or other building, structure, or place used
15 primarily for religious worship, or within 1,000 feet
16 of the real property comprising any church, synagogue,
17 or other building, structure, or place used primarily
18 for religious worship, or

19 (D) on the real property comprising any of the
20 following places, buildings, or structures used
21 primarily for housing or providing space for
22 activities for senior citizens: nursing homes,
23 assisted-living centers, senior citizen housing
24 complexes, or senior centers oriented toward daytime
25 activities, or within 1,000 feet of the real property
26 comprising any of the following places, buildings, or

1 structures used primarily for housing or providing
2 space for activities for senior citizens: nursing
3 homes, assisted-living centers, senior citizen housing
4 complexes, or senior centers oriented toward daytime
5 activities ~~is guilty of a Class 2 felony, the fine for~~
6 ~~which shall not exceed \$125,000; or~~

7 (6) subsection (h) of Section 401 is guilty of a Class
8 2 felony the fine for which shall not exceed \$100,000 if he
9 or she commits the violation:

10 (A) in any school, or any conveyance owned, leased
11 or contracted by a school to transport students to or
12 from school or a school related activity, or on the
13 real property comprising any school, or within 1,000
14 feet of the real property comprising any school, and at
15 the time of the violation persons under the age 18 are
16 present, the offense is committed during school hours,
17 or the offense is committed at times when persons under
18 the age of 18 are reasonably expected to be present in
19 the school, in the conveyance, or on the real property,
20 such as when after-school activities are occurring,

21 (B) on residential property owned, operated or
22 managed by a public housing agency or leased by a
23 public housing agency as part of a scattered site or
24 mixed-income development, or public park, on the real
25 property comprising any ~~school or~~ residential property
26 owned, operated or managed by a public housing agency

1 or leased by a public housing agency as part of a
2 scattered site or mixed-income development, or public
3 park or within 1,000 feet of the real property
4 comprising any ~~school or~~ residential property owned,
5 operated or managed by a public housing agency or
6 leased by a public housing agency as part of a
7 scattered site or mixed-income development, or public
8 park,

9 (C) on the real property comprising any church,
10 synagogue, or other building, structure, or place used
11 primarily for religious worship, or within 1,000 feet
12 of the real property comprising any church, synagogue,
13 or other building, structure, or place used primarily
14 for religious worship, or

15 (D) on the real property comprising any of the
16 following places, buildings, or structures used
17 primarily for housing or providing space for
18 activities for senior citizens: nursing homes,
19 assisted-living centers, senior citizen housing
20 complexes, or senior centers oriented toward daytime
21 activities, or within 1,000 feet of the real property
22 comprising any of the following places, buildings, or
23 structures used primarily for housing or providing
24 space for activities for senior citizens: nursing
25 homes, assisted-living centers, senior citizen housing
26 complexes, or senior centers oriented toward daytime

1 ~~activities is guilty of a Class 2 felony, the fine for~~
2 ~~which shall not exceed \$100,000.~~

3 (c) (Blank). ~~Regarding penalties prescribed in subsection~~
4 ~~(b) for violations committed in a school or on or within 1,000~~
5 ~~feet of school property, the time of day, time of year and~~
6 ~~whether classes were currently in session at the time of the~~
7 ~~offense is irrelevant.~~

8 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

9 Section 15. The Methamphetamine Control and Community
10 Protection Act is amended by changing Section 55 as follows:

11 (720 ILCS 646/55)

12 Sec. 55. Methamphetamine delivery.

13 (a) Delivery or possession with intent to deliver
14 methamphetamine or a substance containing methamphetamine.

15 (1) It is unlawful knowingly to engage in the delivery
16 or possession with intent to deliver methamphetamine or a
17 substance containing methamphetamine.

18 (2) A person who violates paragraph (1) of this
19 subsection (a) is subject to the following penalties:

20 (A) A person who delivers or possesses with intent
21 to deliver less than 5 grams of methamphetamine or a
22 substance containing methamphetamine is guilty of a
23 Class 2 felony.

24 (B) A person who delivers or possesses with intent

1 to deliver 5 or more grams but less than 15 grams of
2 methamphetamine or a substance containing
3 methamphetamine is guilty of a Class 1 felony.

4 (C) A person who delivers or possesses with intent
5 to deliver 15 or more grams but less than 100 grams of
6 methamphetamine or a substance containing
7 methamphetamine is guilty of a Class X felony, subject
8 to a term of imprisonment of not less than 6 years and
9 not more than 30 years, and subject to a fine not to
10 exceed \$100,000 or the street value of the
11 methamphetamine, whichever is greater.

12 (D) A person who delivers or possesses with intent
13 to deliver 100 or more grams but less than 400 grams of
14 methamphetamine or a substance containing
15 methamphetamine is guilty of a Class X felony, subject
16 to a term of imprisonment of not less than 9 years and
17 not more than 40 years, and subject to a fine not to
18 exceed \$200,000 or the street value of the
19 methamphetamine, whichever is greater.

20 (E) A person who delivers or possesses with intent
21 to deliver 400 or more grams but less than 900 grams of
22 methamphetamine or a substance containing
23 methamphetamine is guilty of a Class X felony, subject
24 to a term of imprisonment of not less than 12 years and
25 not more than 50 years, and subject to a fine not to
26 exceed \$300,000 or the street value of the

1 methamphetamine, whichever is greater.

2 (F) A person who delivers or possesses with intent
3 to deliver 900 or more grams of methamphetamine or a
4 substance containing methamphetamine is guilty of a
5 Class X felony, subject to a term of imprisonment of
6 not less than 15 years and not more than 60 years, and
7 subject to a fine not to exceed \$400,000 or the street
8 value of the methamphetamine, whichever is greater.

9 (b) Aggravated delivery or possession with intent to
10 deliver methamphetamine or a substance containing
11 methamphetamine.

12 (1) It is unlawful to engage in the aggravated delivery
13 or possession with intent to deliver methamphetamine or a
14 substance containing methamphetamine. A person engages in
15 the aggravated delivery or possession with intent to
16 deliver methamphetamine or a substance containing
17 methamphetamine when the person violates paragraph (1) of
18 subsection (a) of this Section and:

19 (A) the person is at least 18 years of age and
20 knowingly delivers or possesses with intent to deliver
21 the methamphetamine or substance containing
22 methamphetamine to a person under 18 years of age;

23 (B) the person is at least 18 years of age and
24 knowingly uses, engages, employs, or causes another
25 person to use, engage, or employ a person under 18
26 years of age to deliver the methamphetamine or

1 substance containing methamphetamine;

2 (C) the person knowingly delivers or possesses
3 with intent to deliver the methamphetamine or
4 substance containing methamphetamine in any structure
5 or vehicle protected by one or more firearms, explosive
6 devices, booby traps, alarm systems, surveillance
7 systems, guard dogs, or dangerous animals;

8 (D) the person knowingly delivers or possesses
9 with intent to deliver the methamphetamine or
10 substance containing methamphetamine in any school, on
11 any real property comprising any school, or in any
12 conveyance owned, leased, or contracted by a school to
13 transport students to or from school or a
14 school-related activity, and at the time of the
15 violation persons under the age 18 are present, the
16 offense is committed during school hours, or the
17 offense is committed at times when persons under the
18 age of 18 are reasonably expected to be present in the
19 school, in the conveyance, or on the real property,
20 such as when after-school activities are occurring;

21 (E) the person delivers or causes another person to
22 deliver the methamphetamine or substance containing
23 methamphetamine to a woman that the person knows to be
24 pregnant; or

25 (F) (blank).

26 (2) A person who violates paragraph (1) of this

1 subsection (b) is subject to the following penalties:

2 (A) A person who delivers or possesses with intent
3 to deliver less than 5 grams of methamphetamine or a
4 substance containing methamphetamine is guilty of a
5 Class 1 felony.

6 (B) A person who delivers or possesses with intent
7 to deliver 5 or more grams but less than 15 grams of
8 methamphetamine or a substance containing
9 methamphetamine is guilty of a Class X felony, subject
10 to a term of imprisonment of not less than 6 years and
11 not more than 30 years, and subject to a fine not to
12 exceed \$100,000 or the street value of the
13 methamphetamine, whichever is greater.

14 (C) A person who delivers or possesses with intent
15 to deliver 15 or more grams but less than 100 grams of
16 methamphetamine or a substance containing
17 methamphetamine is guilty of a Class X felony, subject
18 to a term of imprisonment of not less than 8 years and
19 not more than 40 years, and subject to a fine not to
20 exceed \$200,000 or the street value of the
21 methamphetamine, whichever is greater.

22 (D) A person who delivers or possesses with intent
23 to deliver 100 or more grams of methamphetamine or a
24 substance containing methamphetamine is guilty of a
25 Class X felony, subject to a term of imprisonment of
26 not less than 10 years and not more than 50 years, and

1 subject to a fine not to exceed \$300,000 or the street
2 value of the methamphetamine, whichever is greater.

3 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)